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In re Application of :
MAKELA, Jakke, et al. : DECISION ON PETITION
U.S. Application No.: 10/535,074 :
PCT No.: PCT/FI2003/000913 :
International Filing Date: 01 December 2003 :
Priority Date: 29 November 2002 :
Atty Docket No.: 324-012224-US (PAR) :
For: PREDICTIVE PROBABILITY :
ARRANGEMENT FOR LOADING :
FILES OVER AN INTERFACE :

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment" filed 15 November 2005, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 01 December 2003, applicants filed international application PCT/FI2003/000913 which claimed a priority date of 29 November 2002 and which designated the United States. On 17 June 2004, a copy of the international application was communicated to the United States Patent And Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 May 2005.

On 13 May 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, a payment of \$300 for the U.S. basic national fee.

On 18 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the "full U.S. Basic National Fee by 30 months."

On 15 November 2005, the petition considered herein was filed. The petition asserts that applicants' 13 March 2005 submission included a timely payment of the U.S. Basic National Fee and that the holding of abandonment should therefore be withdrawn. The petition is accompanied by evidence of the timely payment, including a copy of a return postcard that itemizes the 13 May 2005 submission, specifically itemizes the \$300 fee payment check, and bears a USPTO receipt stamp dated 13 May 2005.

DISCUSSION

Based on the statements in the present petition, the attached return postcard, and USPTO records, it is concluded that applicants' 13 May 2005 submission initiating the present national stage application included payment of the \$300 basic national fee. This payment was filed prior to the expiration of thirty months from the priority date (i.e., 29 May 2005).

The Notification of Abandonment mailed 18 October 2005, based as it was on applicants' purported failure to pay the basic national fee prior to the expiration of the thirty-month deadline, is appropriately vacated.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 18 October 2005 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, as well as the Search Fee, the Examination Fee, any appropriate claims fees, and the surcharge for filing the oath or declaration later than thirty months after the priority date.

RMR

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